



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5
S. Sund
3/23/04

Applicant(s): Shawn P. McAllister et al.

Title: METHOD AND APPARATUS FOR CONGESTION AVOIDANCE IN
SOURCE ROUTED SIGNALING PROTOCOL COMMUNICATION
NETWORKS

App. No.: 09/549,328

Filed: 04-13-2000

Examiner: Blair, Douglas B.

Group Art Unit: 2142

Atty. Dkt. No. 1400.4100231

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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MAR 22 2004

Technology Center 2100

RESPONSE

Dear Sir:

In response to the Office action of September 12, 2003, Applicant submits the following:

REMARKS/ARGUMENTS

Claims 1-42 are pending in the present application. The Examiner has rejected claims 1-42. Applicant respectfully requests reconsideration of pending claims 1-42.

The Examiner has rejected claims 1-42 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,560,654 issued to Fedyk et al. Applicant respectfully disagrees.

Regarding claim 20, Applicant respectfully disagrees. While the Examiner cites col. 5, lines 13-30, of Fedyk et al. as teaching the subject matter set forth in claim 20, Applicant is unable to locate teaching of the features of claim 20 in the cited portion of Fedyk et al. As one example, Fedyk et al. appears not to disclose "detecting control plane congestion at a network element in a signaling network." Fedyk et al. state, in col. 5, lines 19-23, states "...an intervening node 16 that determines that its link 18 does not satisfy the parameters in the setup message responsively generates a point-to-point feedback message to the source node 12." However, Fedyk et al. do not appear to detect "control plane congestion." The mere detection of some type of problem, such as IP congestion, as in the